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SIPDIS

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TAGS: CJAN PINS PREL PTER IR UK

SUBJECT: IRAN'S EX-AMBASSADOR TAJIK: UK MAY EXTRADITE AS  
SOON AS JUNE 11

REF: 5-28-08 E-MAIL EMB LONDON (GAYLE)-NEA/IR (HUMMEL)

Classified By: Political Minister Counselor Maura Connolly for reasons  
1.4 (b) and (d)

¶1. (C) The UK says it intends to extradite ex-Iranian ambassador Nosratullah Tajik to the United States no later than June 11, Foreign and Commonwealth Office (FCO) contacts told London Iran Watcher (Poloff) on May 29. the Tajik case has been a significant bilateral irritant between the UK and Iran, FCO Middle East Director John Jenkins told Assistant Secretary David Welch May 28; Jenkins said Iran has made non-specific threats of reprisals against the UK should Tajik be extradited.

Tajik Can't Stop Extradition

¶2. (C) Modifying in part what they had told Poloff the previous day (ref), FCO Iran Coordination Group contacts on May 30 told Poloff the ruling by the European Court, permitting Tajik's extradition, issued under Article 39 of the Court's charter, is very limited in scope. FCO contacts explained that the ruling left in place Tajik's right to appeal his extradition to the court, but lifted any prohibition on the UK's going forward immediately with extradition. FCO contacts told Poloff that, although the European Court might at some point require some form of compensation from HMG if the court, eventually, were to find Tajik's extradition to have been improper, actually preventing the extradition is no longer a remedy Tajik has in the European Court. FCO contacts said the UK is therefore bound by its 2003 extradition statute and must deliver Tajik to USG authorities by June 11, the end of the 28-day period triggered by the exhaustion of Tajik's last UK judicial remedy.

Medical Waiver: UK Legal Standard Too High

¶3. (C) FCO contacts further commented that, although Tajik does have some heart and mental health problems, and although the UK has in the past denied extradition to the U.S. on medical grounds in other cases, the legal standard at issue is so high that Tajik is "very unlikely" to meet it.

Comment

¶4. (C) HMG has evidently at least considered the possibility Tajik's health problems may provide an exception to what is otherwise under UK law a mandatory extradition to the United States. Despite tensions over this and other issues with Iran, and the open question of whether extradition might affect Iran's reaction to the pending P5 1 nuclear offer, HMG intends to honor its U.S. bilateral extradition obligations with respect to Tajik.

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